

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

**21 MC 100 (AKH)**

JAMES MCFADDEN,

**05 CV 8459**

Plaintiffs,

- against -

CITY OF NEW YORK, *et al.*,

Defendants.

**NOTICE OF MOTION FOR RELIEF  
FROM THE MARCH 3, 2009 ORDER**

**PLEASE TAKE NOTICE** that on a day to be determined by this Court, Plaintiff JAMES McFADDEN ("Plaintiff") shall apply to the Honorable Alvin K. Hellerstein, United States District Judge, at the Southern District of New York located at 500 Pearl Street, New York, New York, Room 14-D for an Order for relief from the March 3, 2009 Order dismissing the action with prejudice. This application is pursuant to Federal Rule of Civil Procedure 60(b)(4) and (6).

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, moving Plaintiff relies upon the attached Memorandum of Law in Support of Plaintiff's Motion with supporting

Exhibits and the Declaration of Robert A. Grochow.

Dated: New York, New York  
August 30, 2010

Gregory J. Cannata and Associates.

By: 

Robert Grochow (RG1890)

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TO: PATTON BOGGS LLP

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named in 05 CV 8459

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